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CHALKER FLORES, LLP  
2711 LBJ FRWY  
Suite 1036  
DALLAS, TX 75234

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/888,040

**Applicant(s)**

THOMPSON, GEORGE W.

**Examiner**

Clement B. Graham

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2001.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-40 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Bay Jr U.S Patent 5, 347, 452.

As per claim 1, Bay Jr discloses a method of displaying trading trends for an investment comprising the steps of .receiving an opening value and a closing value for the investment for two or more time intervals;

calculating an opening value trend using a market trend indicator and the opening values for the investment (see column 5 lines 27-67 and column 6 lines 1-8)

calculating a closing value trend using the market trend indicator and the closing values for the investment(see column 5 lines 27-67 and column 6 lines 1-8) and

displaying a visual indicator comparing the opening value trend to the closing value trend for the investment.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 2, Bay discloses wherein the opening value is an opening price and the closing value is a closing price.(see column 1 lines 35-67 and column 2 lines 1-48 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 3, Bay discloses wherein the opening value is an opening trading volume and the closing value is a closing volume.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-33).

As per claim 4, Bay discloses wherein the visual indicator is a first color whenever

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the closing value trend is greater than the opening value trend.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 5, Bay discloses wherein the first color is green.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 6, Bay discloses wherein the visual indicator is second color whenever the closing value trend is lower than the opening value trend.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 7, Bay discloses wherein the second color is red. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 8, Bay discloses wherein the visual indicator displays the time interval.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 9, Bay discloses further comprising the step of displaying the opening value trend as a first line and the closing value trend as a second line in a graph. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 10, Bay discloses further comprising the step of displaying a list of information about a point selected on either the first line or the second line.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 11, Bay discloses wherein the market trend indicator comprises one or more regression algorithms selected from: stochastics, relative strength.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) directional movement, commodity channel, simple average, exponential average weighted average, MACD (simple), MACD (exponential), momentum/ROC, midrange, William's %R, parabolic stop, volatility stop, trailing stop,

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high low stop.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) Bollinger Bands, Keltner Channel, uniform channel, regression channel, swing lines, cycle forecast, on balance volume, overlay chart, point & figure, moving average, moving linear regression, upper envelope, lower envelope, %K, %D, %D slow, %D averaged, %R, RSI, momentum, acceleration, moving average oscillator, moving average momentum, moving average convergence-divergence oscillator, moving average convergence-divergence.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) MACD signal line, commodity channel index, rate of change in prices, on balance volume variance, standard deviation, volatility ratio, volatility, skew, kurtosis, Williams Accumulated Distribution, Arm's Ease of Movement, plus directional indicator, minus directional indicator, directional movement and average directional movement. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 12, Bay discloses wherein the opening value trend is calculated without using the opening value from the most recent time interval. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 13, Bay discloses further comprising the steps of selecting a market information source; communicably connecting to the market information source; and selecting the investment. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 14, Bay discloses further comprising the step of executing a trade involving the investment. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 15, Bay discloses further comprising the step of simulating an

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execution of a trade involving the investment.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 16, Bay discloses further comprising the step of calculating a potential tax liability for an execution of a trade involving the investment.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 17, Bay discloses further comprising the step of searching for one or more investment trading opportunities based on one or more search criteria.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 18, Bay discloses further comprising the step of selecting the time interval. .(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 19, Bay discloses wherein the time interval is a preset time based on a user profile.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 20, Bay discloses further comprising the step of repeating the steps of receiving the opening value and the closing value, calculating the opening value trend and the closing value trend, and displaying the visual indicator for a set of different time intervals. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 21, Bay discloses wherein the set of different time intervals comprises fifteen minutes, thirty minutes, one hour, ninety minutes and two hours. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 22, Bay discloses wherein the set of different time intervals comprises one day, one week and one month.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 23, Bay discloses further comprising the step of repeating the steps of

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receiving the opening value and the closing value, calculating the opening value trend and the closing value trend, and displaying the visual indicator for two or more investments. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 24, Bay discloses further comprising the step of updating the opening a values, the closing values, the opening value trend, the closing value trend and the visual indicator.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

25. The method as recited in claim further comprising the step of signaling a user whenever the visual indicator changes.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 26, Bay discloses a computer program embodied in a computer readable medium for displaying trading trends for an investment:  
a code segment for receiving an opening value and a closing value for the investment for two or more time intervals;  
a code segment for calculating an opening value trend using a market trend indicator and the opening values for the investment.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) code segment for calculating a closing value trend using the market trend indicator and the closing values for the investment; and a code segment for displaying a visual indicator comparing the opening value trend to the closing value trend for the investment.(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 27, Bay discloses further comprising a code segment for displaying the opening value trend as a first line and the closing value trend as a second line in a graph. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 28, Bay discloses further comprising a code segment for displaying a list of information about a point selected on either the first line or the second line. in a

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graph. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 29, Bay discloses wherein the market trend indicator comprises one or more regression algorithms selected from: stochastics, relative strength, directional movement, commodity channel, simple average, exponential average weighted average, MACD (simple), MACD (exponential), momentum/ROC, midrange(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) William's %R, parabolic stop, volatility stop, trailing stop, high low stop, Bollinger Bands, Keltner Channel, uniform channel, regression channel, swing lines, cycle forecast, on balance volume, overlay chart, point & figure, moving average, moving linear regression, upper envelope, lower envelope, %K, %D, %D slow, %D averaged, %R, RSI, momentum, acceleration, moving average oscillator, moving average momentum(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) moving average convergence-divergence oscillator, moving average convergence-divergence, MACD signal line, commodity channel index, rate of change in prices(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) on balance volume variance, standard deviation, volatility ratio, volatility, skew, kurtosis, Williams Accumulated Distribution, Arm's Ease of Movement, plus directional indicator, minus directional indicator, directional movement and average directional movement. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 30, Bay discloses further comprising:

a code segment for selecting a market information source;

a code segment for communicably connecting to the market information source; and

a code segment for selecting the investment(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).



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As per claim 31 Bay discloses further comprising a code segment for 2 executing a trade involving the investment(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

A per claim 32, Bay discloses further comprising a code segment for simulating an execution of a trade involving the investment. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 33, Bay discloses further comprising a code segment for calculating a potential tax liability for an execution of a trade involving the investment(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 34, Bay discloses further comprising a code segment for searching for one or more investment trading opportunities based on one or more search criteria(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 35, Bay discloses further comprising a code segment for selecting the time interval(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 36, Bay discloses further comprising a code segment for repeating the steps of receiving the opening value and the closing value, calculating the opening value trend and the closing value trend, and displaying the visual indicator for a set of different time intervals(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 37, Bay discloses further comprising a code segment for repeating the steps of receiving the opening value and the closing value, calculating the opening value trend and the closing value trend, and displaying the visual indicator for two or more investments. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 38, Bay discloses further comprising a code segment for updating the opening values, the closing values, the opening value trend, the closing value trend and

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the visual indicator. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 39, Bay discloses further comprising a code segment for signaling a user whenever the visual indicator changes. (see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

As per claim 40, Bay discloses an apparatus for displaying trading trends for an investment comprising:

a computer communicably connected to a market information source;  
a display communicably connected to the computer; and the computer receiving an opening value and a closing value for the investment for two or more time intervals from the market information source(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34)  
calculating an opening value trend using a market trend indicator and the opening values for the investment(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34) calculating a closing value trend using the market trend indicator and the closing values for the investment, and displaying a visual indicator comparing the opening value trend to the closing value trend for the investment on the display(see column 1 lines 35-67 and column 2 lines 1-49 and column 3 lines 24-51 and column 3 column 5 lines 11-43 and column 4 lines 19-34).

#### Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Liddy Eder (US Patent 6, 026, 388) teaches user interface and other enhancements for natural language information retrieval system and method.

Kohorn US PATENT: 5, 508, 731) teaches generation of enlarged participatory broadcast audience.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

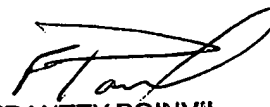
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 23, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3628*